

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Steven Goldmann, Romelle Smith,  
Mohamed Hussein, Demetre Spencer,  
Derrick Hoff, Corey Davis, Marco A.  
Avila, Randall Ayou, Edgar Cisneros, Joel  
Garcia, Adonis Dorman, Gerald Clark,  
David Gehl, Montez Lee, Dayne  
Sitladeen, Sienemah Gaye, Mohamed  
Farah, Chad Sumner, Joey Gonzales,  
Chris Rajuaran, Richard H. Sodektu, Peter  
Barry, and Eric Dungy,

Case No. 21-cv-2530 (KMM/TNL)

Plaintiffs,

**REPORT & RECOMMENDATION**

v.

Sherburne County Sheriffs Department;  
Joel Brott, Sherburne Co. Sheriff (In his  
individual and official capacities); Donald  
Starry, Sherburne Co. Chief Deputy  
Sheriff (In his individual and official  
capacities); Patt Carr, Sherburne Jail  
Commander (In his individual and official  
capacities); Brian Frank, Sherburne Co.  
Jail Administrator (In his individual and  
official capacities); David Isias, Sherburne  
Co. Assistant Jail Administrator (In his  
individual and official capacities); Mark  
Frittle, Sherburne Co. Jail Programs  
Coordinator (In his individual and official  
capacities); Chris Bloom, Sherburne Co.  
Jail Captain (In his individual and official  
capacities); and Thomas Zerwas,  
Sherburne Co. Jail Captain (In his  
individual and official capacities),

Defendants.

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This case features 23 individual plaintiffs, all prisoners. After the Court received Plaintiffs' Complaint on November 18, 2021, the Clerk of this Court sent each Plaintiff a letter (1) stating that the Court had not received from the relevant Plaintiff either this action's filing fee or an application to proceed in forma pauperis ("IFP"); (2) enclosing a copy of this District's template IFP application; and (3) warning the relevant Plaintiff that if the Court did "not receive [his] filing fee or [IFP application]" within 15 days, "[his] case could be summarily dismissed without prejudice." ECF Nos. 6–27, 39. It has been several weeks since the Clerk sent these letters: the filing fee has not been paid, and only two Plaintiffs—Dayne Sitladeen and Montez Lee—have submitted IFP applications. Accordingly, this Court now recommends dismissing this action without prejudice under Rule 41(b) for failure to prosecute as to the 21 Plaintiffs who have failed to comply with the instructions from the Clerk's letter. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

[Continued on next page.]

## RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that the claims of the following Plaintiffs be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute: Steven Goldmann, Romelle Smith, Mohamed Hussein, Demetre Spencer, Derrick Hoff, Corey Davis, Marco A. Avila, Randall Ayou, Edgar Cisneros, Joel Garcia, Adonis Dorman, Gerald Clark, David Gehl, Sienemah Gaye, Mohamed Farah, Chad Sumner, Joey Gonzales, Chris Rajuaran, Richard H. Sodektu, Peter Barry, and Eric Dungy.

Date: February 3, 2022

s/ Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge  
District of Minnesota

*Goldmann et al. v. Sherburne County  
Sheriffs Department et al.*  
Case No. 21-cv-2530 (KMM/TNL)

## NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).